

ESTTA Tracking number: **ESTTA521333**

Filing date: **02/13/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Bach Flower Remedies Limited
Granted to Date of previous extension	02/13/2013
Address	Nelsons House, 83 ParksideWimbledon London, SW19 5LP UNITED KINGDOM
Domestic Representative	Donna J. Bunton Nixon & Vanderhye, P.C. 11th Floor 901 North Glebe Road Arlington, VA 22203 UNITED STATES nixonptomail@nixonvan.com Phone:703-816-4003

Applicant Information

Application No	85625402	Publication date	10/16/2012
Opposition Filing Date	02/13/2013	Opposition Period Ends	02/13/2013
Applicant	Nutri-Health Supplements, LLC 260 Justin Drive Cottonwood, AZ 86326 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Dietary supplements; Nutritional supplements

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1237564	Application Date	11/17/1980
Registration Date	05/10/1983	Foreign Priority Date	NONE
Word Mark	RESCUE REMEDY		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 032. First use: First Use: 1979/09/01 First Use In Commerce: 1979/09/01 an Herbal Beverage Made from Essences (Not Being in the Nature of Essential Oils) Extracted from Flowers

U.S. Registration No.	1822260	Application Date	03/12/1993
Registration Date	02/22/1994	Foreign Priority Date	NONE
Word Mark	RESCUE REMEDY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1951/00/00 First Use In Commerce: 1961/00/00 homeopathic pharmaceutical preparations made from flower extracts for use in alleviating emotional and mental stress		

U.S. Registration No.	2517685	Application Date	07/07/1997
Registration Date	12/11/2001	Foreign Priority Date	NONE
Word Mark	RESCUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2001/01/15 First Use In Commerce: 2001/01/15 homeopathic pharmaceutical preparation made from flower extracts for alleviating emotional and mental stress Class 030. First use: First Use: 2001/01/15 First Use In Commerce: 2001/01/15 herbal food beverage concentrate made from essences (not being in the nature of essential oils) extracted from plants and flowers		

U.S. Application No.	77485289	Application Date	05/28/2008
Registration Date	NONE	Foreign Priority Date	11/29/2007
Word Mark	RESCUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use:		

	HERBS AND FLOWERS FOR MEDICINAL PURPOSES; MEDICINAL DRINKS CONTAINING FLOWER REMEDIES; MEDICATED CONFECTIONERY; MEDICATED CANDY, MEDICATED GEL CAPSULES AND MEDICATED CHEWING GUM CONTAINING FLOWER REMEDIES; DIETARY SUPPLEMENTS PREPARED FROM PLANTS AND FLOWERS; DIETARY AND NUTRITIONALLY FORTIFIED FOOD PRODUCTS CONTAINING FLOWER REMEDIES FOR TREATING EMOTIONAL SHOCK, TRAUMA AND OTHER EMOTIONAL AILMENTS AND CONDITIONS; HOMEOPATHIC PHARMACEUTICAL PREPARATIONS MADE FROM FLOWER EXTRACTS FOR ALLEVIATING EMOTIONAL AND MENTAL STRESS; NUTRITIONAL DRINKS FOR ANIMALS
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Attachments	77485289#TMSN.jpeg (1 page)(bytes) BachvNutri-HealthNoticeOpp.pdf (21 pages)(2212418 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Donna J. Bunton/
Name	Donna J. Bunton
Date	02/13/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Trademark Application of

Atty. Ref.: 5027-146

Nutri-Health Supplements, LLC

Serial No.: 85/625,402

Filed: May 15, 2012

Mark: ADVANCED CELL RESCUE

For: *Dietary supplements; nutritional supplements in Int. Class 5*

Published in the *Official Gazette* of October 16, 2012

Bach Flower Remedies Limited,)

Opposer,)

v.)

Nutri-Health Supplements, LLC)

Applicant.)

Opposition No. _____

NOTICE OF OPPOSITION

Bach Flower Remedies Limited, a private limited company of the United Kingdom, having its principal place of business at Nelsons House, 83 Parkside, Wimbledon, London SW19 5LP, United Kingdom (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Application Serial No. 85/625,402, filed May 15, 2012, and hereby opposes registration of the same.

The grounds are as follows:

(1) Application Serial No. 85/625,402 seeks registration of the mark ADVANCED CELL RESCUE in Class 5 for *dietary supplements; nutritional supplements (hereafter "Applicant's goods")*. The application was filed May 15, 2012 and is based on Applicant's intention to use the mark in commerce pursuant to § 1(b) of the Trademark Act.

(2) On information and belief, Applicant made no use of the mark ADVANCED CELL RESCUE prior to May 15, 2012.

(3) Long prior to the filing date of Application Serial No. 85/625,402 on May 15, 2012, Opposer adopted and began using in commerce the marks RESCUE and RESCUE REMEDY for *homeopathic pharmaceutical preparations; flower essence preparations; herbal food beverage concentrate made from flower essences, and related products (hereafter referred to collectively as "flower essence preparations")*. Further, on May 28, 2008, Opposer filed Application Serial No. 77/485,289 to register the mark RESCUE for a range of herbal preparations and related goods, including *dietary supplements prepared from plants and flowers, dietary and nutritionally fortified food products, medicated confectionery and other related goods in Class 5 (hereafter referred to collectively as "dietary supplements")*.

(4) Opposer is the owner of the trademarks RESCUE and RESCUE REMEDY, among others, having continuously used the mark RESCUE REMEDY for flower essence preparations in commerce since 1961 and the mark RESCUE for *flower essence preparations* in commerce since January 15, 2001 and having filed Application Serial No. 77/485,289 to register the mark RESCUE on May 28, 2008 for *dietary supplements*.

(5) Opposer duly registered the marks RESCUE and RESCUE REMEDY as trademarks in the United States Patent and Trademark Office, Registration Nos. 1,237,564 (issued May 10, 1983), 1,822,260 (issued February 22, 1994) and 2,517,685 (issued December 11, 2001). Opposer filed Application Serial No. 77/485,289 to register the mark RESCUE on May 28, 2008. Printouts from the Patent and Trademark Office website, TSDR, evidencing the current status and ownership of Registration Nos. 1,237,564, 1,822,260, 2,517,685 and of Application Serial No. 77/485,289 are annexed hereto as collective Exhibits A and B, respectively.

(6) Registration Nos. 1,237,564, 1,822,260 and 2,517,685 are *prima facie* evidence of the validity thereof, Opposer's ownership and exclusive right to use the marks RESCUE and RESCUE REMEDY in commerce and are constructive notice of Opposer's ownership thereof, all as provided by §§ 7(b) and 22 of the Trademark Act of 1946. As Opposer's right to use the marks RESCUE and RESCUE REMEDY in commerce has become incontestable, Registration Nos. 1,237,564, 1,822,260 and 2,517,685 are conclusive evidence of Opposer's right to use said mark in commerce on the goods specified in the registrations, as provided by §§ 15 and 33(b) of the Trademark Act of 1946.

(7) By virtue of Opposer's long, continuous and substantial promotion and sale of goods covered by Registration Nos. 1,237,564, 1,822,260 and 2,517,685, its use and bona fide intention to use the mark RESCUE for the goods covered by Application Serial No. 77/485,289, and its maintenance of high quality standards relating thereto, purchasers, consumers and users of such products, and others, have come to recognize the marks RESCUE and RESCUE REMEDY as indications of origin

in Opposer, as a consequence of which Opposer has established valuable goodwill and exclusive rights in the marks RESCUE and RESCUE REMEDY.

(8) Opposer's marks RESCUE and RESCUE REMEDY and Applicant's mark ADVANCED CELL RESCUE are identical in part, each including the word "RESCUE." The word RESCUE is the dominant portion of Applicant's mark ADVANCED CELL RESCUE and Applicant's mark incorporates Opposer's mark RESCUE in its entirety.

(9) Opposer's *flower essence preparations and dietary supplements* sold and intended to be sold under the marks RESCUE and RESCUE REMEDY and Applicant's goods intended to be sold or offered under the mark ADVANCED CELL RESCUE are identical or similar and closely related products which are or are likely to be offered through the same or overlapping channels of trade to the same or overlapping classes of purchasers so that purchasers, prospective purchasers, users and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's goods offered under the mark ADVANCED CELL RESCUE emanate from and/or are in some way sponsored or approved by Opposer or are otherwise related to Opposer's RESCUE and RESCUE REMEDY *flower essence preparations and dietary supplements*, thereby damaging Opposer.

(10) Applicant is not lawfully entitled to the registration which it seeks for the reason, *inter alia*, that the mark ADVANCED CELL RESCUE as used or intended for use for Applicant's goods so resembles Opposer's previously used and registered marks RESCUE and RESCUE REMEDY and its earlier-filed application to register the mark RESCUE as to be likely to cause confusion, to cause mistake or to deceive within the meaning of Section 2(d) of the Federal Trademark Act, thereby damaging Opposer.

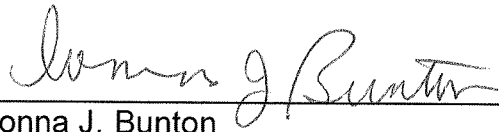
WHEREFORE, Opposer prays that the present opposition be sustained and the registration of ADVANCED CELL RESCUE sought by Applicant be refused.

The requisite filing fee of \$300 is submitted herewith.

Bach Flower Remedies Limited

By its Attorneys

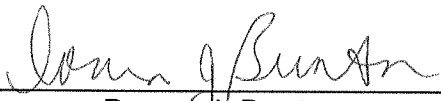
Date: February 13, 2013

By: 
Donna J. Bunton
NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, Virginia 22203
(703) 816-4003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Opposition was served on Applicant's attorney at the following address by depositing same in the United States mail, postage prepaid, this 13th day of February, 2013:

Carrie Webb Olson, Esq.
Day Pitney LLP
7 Times Square
New York, NY 10036-6524



Donna J. Bunton

EXHIBIT A

STATUS	DOCUMENTS	Back to Search	Print
Generated on: This page was generated by TSDR on 2013-02-13 13:22:44 EST			
Mark: RESCUE REMEDY			
US Serial Number: 73286900		Application Filing Date: Nov. 17, 1980	
US Registration Number: 1237564		Registration Date: May 10, 1983	
Register: Principal			
Mark Type: Trademark			
Status: The registration has been renewed.			
Status Date: Jun. 12, 2003			
Publication Date: Feb. 15, 1983			
▼ Mark Information ▲ Collapse All			
Mark Literal Elements: RESCUE REMEDY			
Standard Character Claim: No			
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)			
▼ Goods and Services			
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> • Brackets [...] indicate deleted goods/services; • Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *...* identify additional (new) wording in the goods/services. 			
For: an Herbal Beverage Made from Essences (Not Being in the Nature of Essential Oils) Extracted from Flowers			
International Class: 032 - Primary Class		U.S. Class: 045	
Class Status: ACTIVE			
Basis: 1(a)			
First Use: Sep. 01, 1979		Use in Commerce: Sep. 01, 1979	
▼ Basis Information (Case Level)			
Filed Use: Yes	Currently Use: Yes	Amended Use: No	
Filed ITU: No	Currently ITU: No	Amended ITU: No	
Filed 44D: No	Currently 44D: No	Amended 44D: No	
Filed 44E: No	Currently 44E: No	Amended 44E: No	
Filed 66A: No	Currently 66A: No		
Filed No Basis: No	Currently No Basis: No		
▼ Current Owner(s) Information			
Owner Name: BACH FLOWER REMEDIES LIMITED			
Owner Address: 5 ENDEAVOUR WAY WIMBLEDON LONDON SW 19 9UH ENGLAND			
Legal Entity Type: PRIVATE LIMITED COMPANY		State or Country Where Organized: UNITED KINGDOM	
▼ Attorney/Correspondence Information			
Attorney of Record			
Attorney Name: DONNA J. BUNTON			

Correspondent

Correspondent Name/Address: DONNA J BUNTON
 NIXON & VANDERHYE PC
 1100 N GLEBE RD 8TH FL
 ARLINGTON, VIRGINIA 22201-4714
 UNITED STATES

Domestic Representative - Not Found**▼ Prosecution History**

Date	Description	Proceeding Number
Aug. 25, 2010	COUNTERCLAIM OPP. NO. 999999	195315
Apr. 22, 2008	CASE FILE IN TIGRS	
Jun. 12, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jun. 12, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 09, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 09, 2003	PAPER RECEIVED	
Jul. 18, 1989	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 27, 1989	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 10, 1983	REGISTERED-PRINCIPAL REGISTER	
Feb. 15, 1983	PUBLISHED FOR OPPOSITION	
May 10, 1983	REGISTERED-PRINCIPAL REGISTER	
Jan. 11, 1983	NOTICE OF PUBLICATION	
Jan. 03, 1983	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 18, 1982	NON-FINAL ACTION MAILED	
Nov. 18, 1981	ASSIGNED TO EXAMINER	
Mar. 28, 1981	ASSIGNED TO EXAMINER	

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 10, 2003

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Apr. 22, 2008

▼ Assignment Abstract of Title Information**Summary**

Total Assignments: 4

Registrant: Kaslof, Leslie

Assignment 1 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0853/0924

Pages: 2

Date Recorded: Mar. 27, 1992

Supporting Documents: No Supporting Documents

Assignor

Name: KASLOF, LESLIE

Execution Date: Mar. 16, 1992

Legal Entity Type: INDIVIDUAL

Citizenship: No Citizenship Found

Assignee

Name: ELLON BACH USA, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

Address: 644 MERRICK ROAD
LYNBROOK, NEW YORK 11563

Correspondent

Correspondent Name: MYRON AMER, P.C.

Correspondent Address: LEVER BUILDING, SUITE 310
114 OLD COUNTRY ROAD
MINEOLA, NY 11501-4477

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0939/0315

Pages: 4

Date Recorded: Mar. 16, 1993

Supporting Documents: No Supporting Documents

Assignor

Name: ELLON (BACH USA) INC.

Execution Date: Dec. 15, 1992

Legal Entity Type: CORPORATION

State or Country Where
Organized: NEW YORK

Assignee

Name: BFR (MOUNT VERNON) LIMITED

Legal Entity Type: U.K. PRIVATE COMPANY LIMITED

State or Country Where
Organized: No Place Where Organized Found

Address: THE DR. EDWARD BACH CENTRE MOUNT VERNON, SOTWELL, WALLINGFORD OXON, UNITED KINGDOM OX10 0PZ

Correspondent

Correspondent Name: NIXON & VANDERHYE

Correspondent Address: DONNA J. BUNTON
1100 NORTH GLEBE ROAD, 8TH FL.
ARLINGTON, VA 22201

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 1089/0444

Pages: 4

Date Recorded: Jan. 12, 1994

Supporting Documents: No Supporting Documents

Assignor

Name: BFR (MOUNT VERNON) LIMITED

Execution Date: Nov. 11, 1993

Legal Entity Type: UK PRIVATE LIMITED COMPANY

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: A. NELSON & CO. LIMITED

Legal Entity Type: UK PRIVATE LIMITED COMPANY

State or Country Where
Organized: No Place Where Organized Found

Address: 5 ENDEAVOUR WAY WIMBLEDON LONDON ENGLAND SW19 9UH

Correspondent

Correspondent Name: NIXON & VANDERHYE P.C.

Correspondent Address: DONNA J. BUNTON
1100 NORTH GLEBE ROAD, 8TH FL.
ARLINGTON, VA 22201

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 1217/0441

Pages: 4

Date Recorded: Sep. 28, 1994

Supporting Documents: No Supporting Documents

Assignor

Name: <u>A. NELSON & CO. LIMITED</u>		Execution Date: Aug. 12, 1994
Legal Entity Type: PRIVATE LIMITED COMPANY		State or Country Where Organized: UNITED KINGDOM
Assignee		
Name: <u>BACH FLOWER REMEDIES LIMITED</u>		
Legal Entity Type: PRIVATE LIMITED COMPANY		State or Country Where Organized: UNITED KINGDOM
Address: 5 ENDEAVOUR WAY WIMBLEDON LONDON SW19 9UH, ENGLAND		
Correspondent		
Correspondent Name: NIXON & VANDERHYE P.C.		
Correspondent Address: DONNA J. BUNTON 1100 NORTH GLEBE ROAD, 8TH FLOOR ARLINGTON, VIRGINIA 22201		
Domestic Representative - Not Found		

STATUS	DOCUMENTS	Back to Search	Print
Generated on: This page was generated by TSDR on 2013-02-13 13:24:23 EST			
Mark: RESCUE REMEDY			
US Serial Number: 74367508		Application Filing Date: Mar. 12, 1993	
US Registration Number: 1822260		Registration Date: Feb. 22, 1994	
Register: Principal			
Mark Type: Trademark			
Status: The registration has been renewed.			
Status Date: Apr. 06, 2004			
Publication Date: Nov. 30, 1993			
▼ Mark Information ▲ Collapse All			
Mark Literal Elements: RESCUE REMEDY			
Standard Character Claim: No			
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)			
▼ Related Properties Information			
Claimed Ownership of US <u>1237564</u>			
Registrations:			
▼ Goods and Services			
Note: The following symbols indicate that the registrant/owner has amended the goods/services: • Brackets [...] indicate deleted goods/services; • Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *. * identify additional (new) wording in the goods/services.			
For: homeopathic pharmaceutical preparations made from flower extracts for use in alleviating emotional and mental stress			
International Class: 005 - Primary Class		U.S Class: 018	
Class Status: ACTIVE			
Basis: 1(a)			
First Use: 1951		Use in Commerce: 1961	
▼ Basis Information (Case Level)			
Filed Use: Yes	Currently Use: Yes	Amended Use: No	
Filed ITU: No	Currently ITU: No	Amended ITU: No	
Filed 44D: No	Currently 44D: No	Amended 44D: No	
Filed 44E: No	Currently 44E: No	Amended 44E: No	
Filed 66A: No	Currently 66A: No		
Filed No Basis: No	Currently No Basis: No		
▼ Current Owner(s) Information			
Owner Name: BACH FLOWER REMEDIES			
Owner Address: BROADHEATH HOUSE 83 PARKSIDE WIMBLEDON, LONDON SW19 5LP ENGLAND			
Legal Entity Type: PRIVATE LIMITED COMPANY		UNITED KINGDOM	

	State or Country Where Organized:	
▼ Attorney/Correspondence Information		
Attorney of Record		
Attorney Name: Donna J. Bunton	Docket Number: 141-95	
Correspondent		
Correspondent: DONNA J BUNTON		
Name/Address: NIXON & VANDERHYE PC 1100 N GLEBE RD 8TH FL ARLINGTON, VIRGINIA 22201-4714 UNITED STATES		
Domestic Representative		
Domestic Representative: Nixon & Vanderhye P.C. Name:		
▼ Prosecution History		
Date	Description	Proceeding Number
Aug. 25, 2010	COUNTERCLAIM OPP. NO. 999999	195315
Aug. 30, 2007	CASE FILE IN TIGRS	
Apr. 06, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Apr. 06, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 20, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 15, 2000	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Feb. 16, 2000	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Feb. 22, 1994	REGISTERED-PRINCIPAL REGISTER	
Nov. 30, 1993	PUBLISHED FOR OPPOSITION	
Oct. 29, 1993	NOTICE OF PUBLICATION	
Sep. 21, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 18, 1993	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 24, 1993	NON-FINAL ACTION MAILED	
May 27, 1993	ASSIGNED TO EXAMINER	65999
▼ Maintenance Filings or Post Registration Information		
Affidavit of Continued Use: Section 8 - Accepted		
Affidavit of Incontestability: Section 15 - Accepted		
Renewal Date: Feb. 22, 2004		
▼ TM Staff and Location Information		
TM Staff Information - None		
File Location		
Current Location: SCANNING ON DEMAND		Date in Location: Aug. 30, 2007
▼ Assignment Abstract of Title Information		
Summary		▼ Conveyance Filter
Total Assignments: 2		Registrant: A. Nelson & Co. Limited
Assignment 1 of 2		
Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
Reel/Frame: 1089/0448		Pages: 4
Date Recorded: Jan. 12, 1994		
Supporting Documents: No Supporting Documents		
Assignor		

Name: <u>BFR(MOUNT VERNON) LIMITED</u>		Execution Date: Nov. 11, 1993
Legal Entity Type: UK PRIVATE LIMITED COMPANY		State or Country Where Organized: No Place Where Organized Found
Assignee		
Name: <u>A. NELSON & CO. LIMITED</u>		
Legal Entity Type: UK PRIVATE LIMITED COMPANY		State or Country Where Organized: No Place Where Organized Found
Address: 5 ENDEAVOUR WAY WIMBLEDON LONDON ENGLAND SW19 9UH		
Correspondent		
Correspondent Name: NIXON & VANDERHYE P.C.		
Correspondent Address: DONNA J. BUNTON 1100 NORTH GLEBE ROAD, 8TH FL. ARLINGTON, VA 22201		
Domestic Representative - Not Found		
Assignment 2 of 2		
Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
Reel/Frame: <u>1217/0441</u>	Pages: 4	
Date Recorded: Sep. 28, 1994		
Supporting Documents: No Supporting Documents		
Assignor		
Name: <u>A. NELSON & CO. LIMITED</u>		Execution Date: Aug. 12, 1994
Legal Entity Type: PRIVATE LIMITED COMPANY		State or Country Where Organized: UNITED KINGDOM
Assignee		
Name: <u>BACH FLOWER REMEDIES LIMITED</u>		
Legal Entity Type: PRIVATE LIMITED COMPANY		State or Country Where Organized: UNITED KINGDOM
Address: 5 ENDEAVOUR WAY WIMBLEDON LONDON SW19 9UH, ENGLAND		
Correspondent		
Correspondent Name: NIXON & VANDERHYE P.C.		
Correspondent Address: DONNA J. BUNTON 1100 NORTH GLEBE ROAD, 8TH FLOOR ARLINGTON, VIRGINIA 22201		
Domestic Representative - Not Found		

STATUS	DOCUMENTS	Back to Search	Print
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Generated on: This page was generated by TSDR on 2013-02-13 13:25:04 EST

Mark: RESCUE

US Serial Number: 75320219	Application Filing Date: Jul. 07, 1997
US Registration Number: 2517685	Registration Date: Dec. 11, 2001
Register: Principal	
Mark Type: Trademark	
Status: The registration has been renewed.	
Status Date: Feb. 10, 2012	
Publication Date: May 12, 1998	Notice of Allowance Date: Aug. 04, 1998

▼ Mark Information [▲ Collapse All](#)

Mark Literal Elements: RESCUE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

▼ Related Properties Information

Claimed Ownership of US 1237564, 1822260

Registrations:

▼ Goods and Services

Note:
The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *, * identify additional (new) wording in the goods/services.

For: homeopathic pharmaceutical preparation made from flower extracts for alleviating emotional and mental stress

International Class: 005 - Primary Class	U.S Class: 006, 018, 044, 046, 051, 052
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Jan. 15, 2001	Use in Commerce: Jan. 15, 2001

For: herbal food beverage concentrate made from essences (not being in the nature of essential oils) extracted from plants and flowers

International Class: 030 - Primary Class	U.S Class: 046
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Jan. 15, 2001	Use in Commerce: Jan. 15, 2001

▼ Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

▼ Current Owner(s) Information

Owner Name: Bach Flower Remedies Limited

Owner Address: 83 Parkside
Nelsons House
Wimbledon, London SW195LP
UNITED KINGDOM

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: DONNA J BUNTON

Docket Number: 141.146

Correspondent

Correspondent Name/Address: DONNA J. BUNTON
NIXON & VANDERHYE
901 N. GLEBE ROAD
11TH FLOOR
ARLINGTON, VIRGINIA 22203-1808
UNITED STATES

Phone: 703-816-4003

Fax: 703-816-4100

Correspondent e-mail: nioxonptomail@nixonvan.com

Correspondent e-mail Yes

Authorized:

Domestic Representative

Domestic Representative Name: NIXON & VANDERHYE PC

▼ Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Feb. 10, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 10, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	71378
Feb. 10, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	71378
Oct. 25, 2011	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	71378
Oct. 25, 2011	PAPER RECEIVED	
Oct. 24, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 24, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 25, 2010	COUNTERCLAIM OPP. NO. 999999	195315
Mar. 29, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
Mar. 29, 2007	ASSIGNED TO PARALEGAL	71378
Mar. 02, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Mar. 02, 2007	PAPER RECEIVED	
Jan. 26, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 08, 2007	CASE FILE IN TIGRS	
Dec. 11, 2001	REGISTERED-PRINCIPAL REGISTER	
Jul. 25, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 25, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 12, 2001	USE AMENDMENT FILED	
Mar. 08, 2001	EXTENSION 5 GRANTED	
Jan. 29, 2001	EXTENSION 5 FILED	
Sep. 29, 2000	EXTENSION 4 GRANTED	
Aug. 04, 2000	EXTENSION 4 FILED	
Jan. 21, 2000	EXTENSION 3 GRANTED	
Jan. 21, 2000	EXTENSION 3 FILED	

Aug. 30, 1999	EXTENSION 2 GRANTED	
Aug. 02, 1999	EXTENSION 2 FILED	
Mar. 12, 1999	EXTENSION 1 GRANTED	
Feb. 04, 1999	EXTENSION 1 FILED	
Aug. 04, 1998	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 12, 1998	PUBLISHED FOR OPPOSITION	
Apr. 10, 1998	NOTICE OF PUBLICATION	
Feb. 10, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 05, 1998	ASSIGNED TO EXAMINER	74309

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 11, 2011

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Feb. 10, 2012

EXHIBIT B

STATUS	DOCUMENTS	Back to Search	Print
Generated on: This page was generated by TSDR on 2013-02-13 13:25:53 EST			
Mark: RESCUE			
RESCUE			
US Serial Number: 77485289		Application Filing Date: May 28, 2008	
Register: Principal			
Mark Type: Trademark			
Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.			
Status Date: Mar. 26, 2012			
Publication Date: Sep. 27, 2011			
▼ Mark Information ▲ Collapse All			
Mark Literal Elements: RESCUE			
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.			
Mark Drawing Type: 4 - STANDARD CHARACTER MARK			
▼ Related Properties Information			
Claimed Ownership of US <u>1822260, 2517685, 3147761, 77981555, 77983503</u> and others			
Registrations:			
Parent Of: <u>77981555, 77983503</u>			
▼ Foreign Information			
Priority Claimed: Yes			
Foreign Application Number: 2473704		Foreign Application Filing Date: Nov. 29, 2007	
Foreign Registration Number: 6473755		Foreign Registration Date: Apr. 12, 2008	
Foreign Application/Registration Country: UNITED KINGDOM		Foreign Expiration Date: Nov. 29, 2017	
▼ Goods and Services			
Note: The following symbols indicate that the registrant/owner has amended the goods/services: • Brackets [...] indicate deleted goods/services; • Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *. * identify additional (new) wording in the goods/services.			
For: HERBS AND FLOWERS FOR MEDICINAL PURPOSES; MEDICINAL DRINKS CONTAINING FLOWER REMEDIES; MEDICATED CONFECTIONERY; MEDICATED CANDY, MEDICATED GEL CAPSULES AND MEDICATED CHEWING GUM CONTAINING FLOWER REMEDIES; DIETARY SUPPLEMENTS PREPARED FROM PLANTS AND FLOWERS; DIETARY AND NUTRITIONALLY FORTIFIED FOOD PRODUCTS CONTAINING FLOWER REMEDIES FOR TREATING EMOTIONAL SHOCK, TRAUMA AND OTHER EMOTIONAL AILMENTS AND CONDITIONS; HOMEOPATHIC PHARMACEUTICAL PREPARATIONS MADE FROM FLOWER EXTRACTS FOR ALLEVIATING EMOTIONAL AND MENTAL STRESS; NUTRITIONAL DRINKS FOR ANIMALS			
International Class: 005 - Primary Class		U.S. Class: 006, 018, 044, 046, 051, 052	
Class Status: ACTIVE			
Basis: 44(e)			
▼ Basis Information (Case Level)			
Filed Use: No		Currently Use: No	
Filed ITU: Yes		Currently ITU: No	
		Amended Use: No	
		Amended ITU: No	

Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

▼ Current Owner(s) Information

Owner Name: Bach Flower Remedies Limited

Owner Address: Nelsons House
83 Parkside
Wimbledon, London
UNITED KINGDOM

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donna J. Bunton

Docket Number: 141-548

Correspondent

Correspondent Name/Address: DONNA J BUNTON
NIXON & VANDERHYE PC
901 NORTH GLEBE ROAD 11TH FLOOR
ARLINGTON, VIRGINIA 22203-1853
UNITED STATES

Phone: 703-816-4003

Fax: 703-816-4100

Correspondent e-mail: nixonptomail@nixonvan.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Donna J. Bunton

Phone: 703-816-4003

Fax: 703-816-4100

Domestic Representative e-mail: nixonptomail@nixonvan.com

Domestic Representative e-mail Authorized: Yes

▼ Prosecution History

Date	Description	Proceeding Number
Dec. 28, 2012	DIVISIONAL PROCESSING COMPLETE	
Sep. 14, 2012	DIVISIONAL REQUEST RECEIVED	
Sep. 14, 2012	PAPER RECEIVED	
May 01, 2012	OPPOSITION TERMINATED NO. 999999	203544
May 01, 2012	OPPOSITION DISMISSED NO. 999999	203544
Mar. 26, 2012	OPPOSITION INSTITUTED NO. 999999	204449
Jan. 26, 2012	OPPOSITION INSTITUTED NO. 999999	203544
Oct. 20, 2011	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 27, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 27, 2011	PUBLISHED FOR OPPOSITION	
Aug. 23, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Aug. 18, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 18, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 18, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 18, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 18, 2011	EXAMINERS AMENDMENT -WRITTEN	76734
Aug. 16, 2011	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 29, 2011	WITHDRAWN FROM PUB - OG REVIEW QUERY	76621
Jul. 21, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552

Jul. 19, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 18, 2011	EXAMINER'S AMENDMENT ENTERED	66179
Jul. 18, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 18, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 18, 2011	EXAMINERS AMENDMENT -WRITTEN	76734
Jun. 24, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 24, 2011	LETTER OF SUSPENSION E-MAILED	6332
Jun. 24, 2011	SUSPENSION LETTER WRITTEN	76734
Jun. 03, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	68552
Jun. 03, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
May 23, 2011	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Mar. 15, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Mar. 15, 2011	LETTER OF SUSPENSION E-MAILED	6332
Mar. 15, 2011	SUSPENSION LETTER WRITTEN	76734
Mar. 14, 2011	DIVISIONAL PROCESSING COMPLETE	
Feb. 17, 2011	DIVISIONAL REQUEST RECEIVED	
Mar. 09, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Feb. 17, 2011	TEAS REQUEST TO DIVIDE RECEIVED	
Sep. 22, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68552
Sep. 22, 2010	ASSIGNED TO LIE	68552
Mar. 17, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76539
Sep. 16, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76539
Mar. 13, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Mar. 13, 2009	LETTER OF SUSPENSION E-MAILED	6332
Mar. 13, 2009	SUSPENSION LETTER WRITTEN	76734
Mar. 13, 2009	AMENDMENT FROM APPLICANT ENTERED	76539
Mar. 13, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	76539
Mar. 10, 2009	PAPER RECEIVED	
Mar. 11, 2009	ASSIGNED TO LIE	76539
Sep. 10, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 10, 2008	NON-FINAL ACTION E-MAILED	6325
Sep. 10, 2008	NON-FINAL ACTION WRITTEN	76734
Sep. 10, 2008	ASSIGNED TO EXAMINER	76734
Jun. 02, 2008	NEW APPLICATION ENTERED IN TRAM	

▼ TM Staff and Location Information

TM Staff Information

TM Attorney: HAYES, GINA CLARK

Law Office Assigned: LAW OFFICE 103

File Location

Current Location: DIVISIONAL UNIT

Date in Location: Dec. 28, 2012